

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**WILLIE ROBINSON, FLAZELL
REDFIELD, RICHARD ROSS,
TOMMY TURNER, and WILLIE
BROOKS,**

Plaintiffs,

v.

BNSF RAILWAY COMPANY,

Defendant.

Case No. 10-cv-1046-DRH

ORDER

HERNDON, Chief Judge:

Before the Court is plaintiffs Willie Robinson, Flazell Redfield, Richard Ross, and Willie Brooks and defendant BNSF Railway Company's stipulation of dismissal with prejudice (Doc. 28). Plaintiffs filed a notice of settlement (Doc. 26) with the Court on April 27, 2012, indicating that they had reached an agreement regarding settlement and were in the process of finalizing settlement documents, but that plaintiff Tommy Turner was not scheduled for a deposition until June 14, 2012. Accordingly, on April 30, 2012, the Court entered an order directing the clerk to enter judgment of dismissal with prejudice and without costs sixty days from the date of the Order unless the parties failed to consummate settlement. Because the settlement did not dispose of all of the plaintiffs' claims, the clerk failed to enter a judgment as directed by the Court. Nevertheless, the Court hereby acknowledges the

stipulation and finds that all of plaintiffs Willie Robinson, Flazell Redfield, Richard Ross, and Willie Brooks' claims plead in the complaint against defendant are dismissed with prejudice, each party to bear their own fees and costs. As only plaintiff Tommy Turner's claims remain pending, plaintiff Turner is directed to file a status report with the Court within sixty days of this Order. The "60 Day Order" (Doc. 27) is hereby **VACATED**.

IT IS SO ORDERED.

Signed this 5th day of September, 2012.

David R. Herndon



Digitally signed by David
R. Herndon
Date: 2012.09.05
11:04:37 -05'00'

**Chief Judge
United States District Court**